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ABSTRACT

Designed to help students learn about courts and trials in an interesting and enjoyable way, this document provides teachers with the necessary instructions and materials on how to conduct mock trials. By using the program, students become familiar with the role of a trial court in resolving disputes. They also are introduced to court procedure and decorum, and develop an appreciation for the importance of the various people in the courtroom. Involvement in a mock trial allows students to practice communication and critical thinking skills as they prepare and present their case. In addition to teacher instructions, the manual includes student handouts for five mini-mock trials. The handouts consist of a juror biography, jury observation sheet and checklist, case facts, prosecution and defense witness statements, and jury instructions. (DK)

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Mini-Mock Trial Manual

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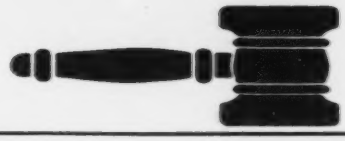
Mini-Mock Trial Manual



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Hamline University was founded in 1854 as Minnesota's first university.

Mini-Mock trials were developed in 1978 and have proven to be very popular with students (grades 3-12), teachers, and lawyers. If you have developed your own mini-mock trials and would like to share them with other teachers and lawyers throughout the state, please send us a copy and we will include it in the revised versions of the *Mini-Mock Trial Manual*.

Multiple copies of this manual can be obtained for $5.00/per copy from the ***Minnesota Center for Community Legal Education***.

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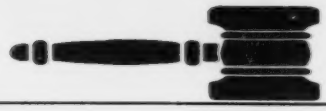
Mini-Mock Trial Manual



Teacher Instructions

Mock trials conducted within one or two class periods help students learn about courts and trials in an interesting and enjoyable way. Although students obviously will not be as polished as they are in more lengthy mock trial programs, their abilities to quickly become familiar with trial process, to learn their roles, and to discuss rules of evidence and constitutional protections will surprise even the most seasoned observer.

In addition to the value of the learning experience for students, mini-mock trials are an excellent activity for lawyers who want a "guaranteed" success. With only little advance preparation, a lawyer can guide the students through the mock trial experience, helping them develop appropriate questions and then serving as the judge for the trial. Most lawyers are so comfortable with this activity, and find the positive student response so rewarding, that they are usually willing to schedule return engagements.

Students will:

1. Become familiar with the role of a trial court in solving disputes. They will also be introduced to court procedure and decorum.
2. Develop an appreciation for the importance of the various people in the courtroom.
3. Practice communication and critical thinking skills as they prepare and present their case.

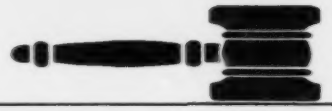
Materials needed: Copies of **Student Handout: MOCK TRIAL PROCEDURE, Student Handout: JURY OBSERVATION SHEET & CHECKLIST , Student Handout: JUROR BIOGRAPHY**, and **Selected Mini-Mock Trial Cases**

Time needed: 2 class periods
Grade level: Grades 5-12

Procedure:

1. Begin the class session by discussing trials. Because most students have seen television programs such as "People's Court" and "Night Court," they already have some basic information. Ask them if they watch these programs. Then ask them to list the people who are present in the courtroom. This list will include:

- Δ lawyers
- Δ judge
- Δ jurors
- Δ witnesses
- Δ defendant
- Δ plaintiff
- Δ bailiff
- Δ police officers
- Δ clerk
- Δ court reporter
- Δ public
- Δ sketch artist



Teacher Instructions: Procedure cont.

2. Discuss what these people do in the courtroom. Depending upon the sophistication of the audience and the time available, short discussions of the following topics can be conducted: trial by judge or jury; civil v. criminal trials; the need for a court reporter and court record; the constitutional right to a public trial; the controversy surrounding cameras in the courtroom; the reason for the courtroom decorum.

3. Select one of the cases and read the one paragraph summary of the facts to the students.

4. Ask the students to volunteer for the parts in the mock trial. Four students should be selected to be the lawyers for each side of the case. One student may present the opening statement, one the direct examination, one the cross examination, and the other the closing argument. Reserve discussion of objections for later.

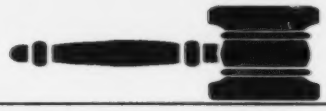
5. Also assign students to roleplay the witnesses, bailiff, court reporter, media representatives and sketch artists (these students can write articles and prepare drawings for the articles), and members of the jury.

6. Before the start of actual trial preparation, briefly describe the steps of a trial as presented in the **Student Handout: MOCK TRIAL PROCEDURE.** Remind students that they will be helped through the process by the judge and that confusion at this point is expected.

7. If students have sufficient background and understanding of the trial process, explain the reasons and grounds for objections. (It is recommended that only a limited number of objections be allowed.) Refer to the list of objections in the trial procedure handout. If they lack knowledge, reserve discussion of objections until one occurs during the trial. (No matter how old the students are, one will object to a question during the trial. The objection might be made in the form of "She can't do that, can she?" or "This isn't fair!" Regardless of the language used, the students usually have made the objections at appropriate times. They are now ready to learn about objections.)

Explain to the students that objections are used when lawyers feel that the other side is not obeying the rules. All court procedures are governed by many rules. Lawyers are required to conduct the trial according to the rules. It is the judge's responsibility to decide if a lawyer has broken a rule. If a judge agrees that a rule has been violated, the judge ***sustains the objection.*** If the judge feels that the lawyer has not violated the rules, he or she ***overrules the objection.*** If an objection is sustained, the witness's answer is not allowed. If an objection is overruled, the witness is allowed to answer the question. (The rulings by the judge often are the grounds for appeals to higher courts.)

8. Tell students they will have approximately 15 minutes to prepare. Although this is a short period of time, the facts of the cases are simple and a longer period of time results in a restless jury.



Teacher Instruction: Procedure cont.

9. Provide the following instructions:

Lawyers--Tell them to read the facts and all of the witness statements (including the witnesses for the other side). They are to prepare an opening statement, questions for all witnesses, and a closing argument. Have them use the trial procedure handout in their preparation.

Witnesses--Tell each witness to read his or her statement at least three times so that he or she will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare questions.

Judge--Tell judge to read the trial procedure handout and be prepared to call the witnesses.

Bailiff--Tell bailiff to review the procedure for the oath that he or she will administer to each witness.

Jurors--Ask them to imagine who they will be in twenty years and complete **JUROR BIOGRAPHY** form. Tell jurors to review the **JURY OBSERVATION SHEET AND CHECKLIST** and to use this form during the trial.

10. Begin the trial. The trial will take 45 minutes to 1 hour. ***Remember, the goal of this activity is to increase the students' knowledge of courts and trials.*** Do not expect them to sound like experienced trial lawyers. You will enjoy watching them develop their questions and arguments on objections and listen to the answers with great care.

11. Instruct the jury at the end of the trial using the jury instructions contained in each trial. Mock trial juries usually require only a few minutes to reach a verdict. After they have announced the verdict, ask them to explain how they decided on it.

12. Debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:

Q. Who was the most important person?

Q. Could the trial take place without the judge? (Yes, another judge could be used.)

Q. Without the lawyers? (Yes, other lawyers could be used.)

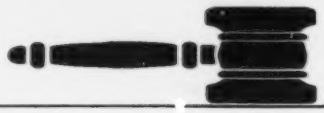
Q. Without the witnesses? (No)

Q. Did any of the students change their minds during the trial? When and why?

Q. Who was the most believable witness? Why?

Q. Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?

13. Complete the activity with a short discussion of the need for citizens to participate in the process. Ask them what they will remember to do if they witness an action or are asked to serve on a jury.



Student Handout: MOCK TRIAL PROCEDURE

Participants:

- Δ Judge
- Δ Prosecution attorneys
- Δ Defense attorneys
- Δ Jury
- Δ Bailiff
- Δ Witnesses for prosecution
- Δ Witnesses for defense
- Δ Court reporter
- Δ Representatives of the media (sketch artist, reporter)

Opening of trial:

Bailiff: "Please rise. The Court of _____ is now in session, the Honorable _____ presiding."

Everyone remains standing until the Judge is seated.

Judge: "Ms./Mr. _____(bailiff's name), what is today's case?"

Bailiff: "Your Honor, today's case is _____."

Judge: "Is the prosecution ready? Is the defense ready?"

Attorneys: "Yes, your Honor." (Always say "your Honor" when speaking to the judge.)

Trial Procedure:

1. Opening Statement - prosecuting attorney introduces himself or herself and states what their side hopes to prove. Begin with "Your Honor, members of the jury," then state what the facts on your side will show and ask for a guilty verdict.

Defendant's attorney then says "Your honor, members of the jury," introduces himself or herself and explains the evidence on his or her side that will deny what the prosecution is attempting to prove. Ask for a not guilty verdict.

Attorneys: "Your Honor, members of the jury, my name is _____ and I and my classmates are representing_____ in this case. We intend to prove _____

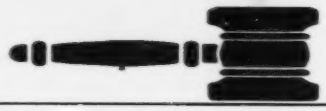
_____

_____

Please find the defendant_____.

2. The Oath - All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.

Bailiff: "Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?"



Student Handout: MOCK TRIAL PROCEDURE cont.

3. Direct Examination - prosecution calls its first witness to the stand. Prosecutor asks the witness clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witnesses may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."

Suggestions for questions:
How do you know the defendant?
What do you know about the case?
What happened?
What to you remember?
What happened next?
Remember to ask questions that will let the witness tell the complete story.

Your Questions

1.
2.
3.
4.

4. Cross examination - defense attorney questions witnesses for the prosecution to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

Suggestions for questions:
Isn't it true that . . .
If possible, ask questions that call for a yes or no answer.

Your Questions

1.
2.
3.
4.

5. After all the prosecution witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor cross-examines.

Student Handout: MOCK TRIAL PROCEDURE cont.

6. Closing argument - prosecuting attorney summarizes the testimony presented during the questioning in a way that will convince the jury to believe the prosecution's side of the case. Prosecution asks the jury to find the defendant guilty.

Defendant's attorney summarizes the testimony in a way that makes the defendant look not guilty. Defense then asks the jury to find the defendant not guilty.

Attorneys: "Your Honor, members of the jury, today you have heard testimony about _____

_____

_____

I would like to remind you of some important information that you should consider in your decision. These facts include _____

_____

_____

Please find the defendant_____.

7. Jury deliberations - after hearing the judge's instructions, the jurors meets to decide guilty or not guilty, and then gives their verdict to the judge. Members of the jury should use the **JURY OBSERVATION SHEET AND CHECKLIST**, which they completed during the trial.

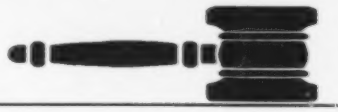
Objections

Either the prosecutor or the defense attorney may object to a question or the admission of an exhibit. The judge will usually ask the person objecting "on what rule of evidence are you relying?" Then the judge either sustains the objection preventing the evidence from being introduced or overrules the objection allowing the question or exhibit to be admitted as evidence.

Reasons for objections (also known as ***grounds for objection*** or the ***Rules of Evidence*** being relied upon):

Leading questions:	Prosecutors must allow their witnesses to tell their own story; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses.
Immaterial and irrelevant:	The information is not closely related to the case, and is therefore, not important.
Opinions and conclusions:	Unless the witness is an expert, (such as a doctor testifying about medical issues) he or she should not give opinions or conclusions.
Nonresponsive answer:	The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.



Student Handout: JURY OBSERVATION SHEET AND CHECKLIST

The jury will determine whether the defendant is guilty or not guilty based upon the facts of the case, the credibility of the witnesses' testimony, and the law which applies to the case. Use this sheet to follow the proceedings of the trial. As the prosecution presents its case, record the legal arguments made by the attorneys, facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1: _____

Witness #2: _____

Witness #3 _____

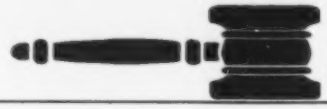
To Believe or not to Believe?

Circle the response which most closely corresponds with what you think of each witness:

SA- strongly agree A-agree D-disagree SD-strongly disagree

Witness #1 _____	was a believable witness	SA	A	D	SD
Witness #2 _____	was a believable witness	SA	A	D	SD
Witness #3 _____	was a believable witness	SA	A	D	SD

Prosecution's Closing Argument: How did the prosecution use the facts from the witnesses to prove its case?



Student Handout: JURY OBSERVATION SHEET AND CHECKLIST cont.

Defendant

Defendant's Opening Statement: What did the defense say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1: _____

Witness #2: _____

Witness #3 _____

To Believe or not to Believe?

Circle the response which most closely corresponds with what you think of each witness:

SA- strongly agree A-agree D-disagree SD-strongly disagree

Witness #1	_____	was a believable witness	SA	A	D	SD
Witness #2	_____	was a believable witness	SA	A	D	SD
Witness #3	_____	was a believable witness	SA	A	D	SD

Defendant's Closing Argument: How do the facts presented by the witnesses support the defendant's case?

Student Handout: JUROR BIOGRAPHY

Name/Address

County

Phone #

Spouse's name

Name/Ages of children

Parent's name

Education completed

Height | Weight | Eye color

Physical Condition

Religious affiliation

Occupation

Employer

Salary

Organizations of which you are a member

Military service

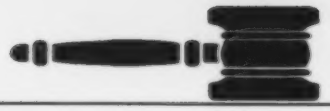
Public service

Hobbies\Interests

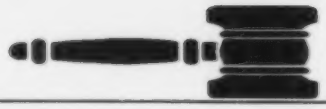
Most memorable childhood event

Have you had any contact with the legal system. If so, what

Other information about yourself



Selected Mini-Mock Trials



Student Handout: *State v. Tony*

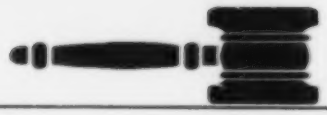
CRIMINAL MOCK TRIAL
DISTRICT COURT

State,	)
Prosecution	)
v.	)
Tony,	)
Defendant	)

FACTS

Tony and several of his friends were riding their bikes around the neighborhood on Friday, March 15. At about 6:00 p.m. a few kids from a different neighborhood rode by Tony and his friends. They teased Tony and his friends and dared them to throw stones at Mr. Wiley's windows. Mr. Wiley is an old man who often tells the children to stay off his property. Several windows were broken, and when Mr. Wiley ran out of his house to stop the children, he recognized Tony. The State has now charged Tony with the crime of vandalism.

Issue: Did Tony throw the stone that broke Mr. Wiley's windows?



Student Handout: PROSECUTION WITNESS STATEMENTS

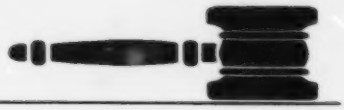
Prosecution Witnesses
Mr. Wiley
Leslie, the paper carrier

Mr. Wiley

I have lived in this neighborhood for 47 years. My wife and I built our little house when we were married. My wife died five years ago. Since then, I have been a victim of many attacks of vandalism. On Friday evening, March 15, I was watching the 6:00 p.m. news when I heard glass breaking in my front porch. I ran out my back door and around the house to see what was going on. I saw lots of kids. I recognized Tony because he lives down the block and often rides his bike past my house. It was clear to me that this group of kids was responsible for breaking my windows. In fact, Tony had a rock in his hand and was getting ready to throw it.

Leslie, the paper carrier

I have delivered newspapers to Mr. Wiley's neighborhood for three years. On Friday, March 15, I was delivering a newspaper to Ms. Crowley, who lives three houses away from Mr. Wiley, when I heard kids screaming and then I heard breaking glass. I ran over to Mr. Wiley's house. I saw about 10 children on the front yard. Tony and another kid were pushing each other. It looked to me like the other kid was trying to stop Tony from throwing a stone. I did not see anyone throw stones.



Student Handout: DEFENSE WITNESS STATEMENTS

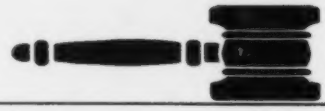
Defense Witnesses
Sandy
Tony

Sandy

Tony and I were out riding our bikes with some other friends on Friday, March 15. We were riding up and down Tony's block when a bunch of kids we didn't know rode up to us and started teasing us. They dared us to throw stones at grouchy old Mr. Wiley's windows. We tired to ignore them. They threw a stone and hit a front porch window. Then they threw some more stones. I think a couple of windows were broken. Tony and I and our friends stood and watched. When one of the other kids picked up a stone to throw, Tony tired to stop him. Then Mr. Wiley came around the house. The other kids said they didn't throw the stones, they said that Tony did. I think they were mad at Tony because he tried to stop them. Tony is a real nice friend, he wouldn't try to break Mr. Wiley's windows.

Tony

I was riding bikes with my friends on Friday, March 15. It was almost getting dark when a bunch of kids we didn't know rode up to us and started bugging us. They wanted us to throw rocks with them. They were going to try to break some of Mr. Wiley's front porch windows. Even though I don't like Mr. Wiley very much, we said we wouldn't do that. I saw one kid standing next to me pick up a rock. I tried to take it out of his hand so he wouldn't throw it. That's when Mr. Wiley came around the corner. Leslie the newspaper carrier also showed up. I did not throw any stones.



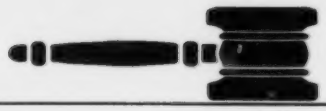
Student Handout: JURY INSTRUCTIONS

INSTRUCTIONS

The prosecution must set out such a convincing case against the defendant that the jury believes "beyond a reasonable doubt" that the defendant is guilty.

THE LAW

Whoever intentionally causes damage to physical property of another without his or her consent is guilty of misdemeanor and will be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than $700 or both.



Student Handout: *State v. Alli*

CRIMINAL MOCK TRIAL
DISTRICT COURT

***State*,**	)
Prosecutor	)
v.	)
Alli,	)
Defendant	)

FACTS

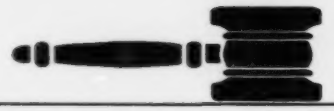
There has been in increase in drug abuse at Jackson School. Three students were recently caught possessing large amounts of marijuana and other drugs with intent to sell to other students. They are currently being held in a juvenile detention center.

The school administrators hired an investigator to look into the problem. The investigator, Norman Tilman, decided random searches of lockers and student belongings would reduce the problem.

Mr. Tilman performed the searches for many days and found no signs of drugs. On Tuesday, April 22, Mr. Tilman began another search. The lockers, backpacks, and purses of ten students were searched. Matt and Alli were two of the students whose belongings were searched. Mr. Tilman searched Alli's backpack which she had purchased at a garage sale on Saturday, April 19. Mr. Tilman found a small amount of marijuana in a zippered compartment on the inside of the backpack. Alli claims to know nothing about the marijuana. She is now being charged with possession of marijuana.

ISSUE: Did the marijuana in Alli's backpack belong to her?

DEFENSE: Alli purchased the backpack from people who had been known to use marijuana in the past. Alli claims the marijuana must have been placed in the backpack before she purchased it and that she knows nothing about it.



Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses

Mr. Tilman, P.I.
Matt, classmate
Sandy, science partner

Mr. Tilman, Private Investigator

I have been a private investigator for ten years. Before that, I was a police officer for seven years. In the last five years, I have worked with many schools in trying to solve the drug problems. I recommended to the administrators at Jackson School to start searching the lockers and student belongings. I believe this helps to reduce the drug use in the schools.

On April 22, I was searching ten students' lockers and belongings. When I reached Alli's backpack, I found a small amount of marijuana in a zippered compartment in the inside of the backpack. It was a good place to hide the marijuana, because the inside compartment is hard to see and I almost missed it. I asked Alli if the marijuana was hers. She said she didn't know anything about the stuff. She was very embarrassed.

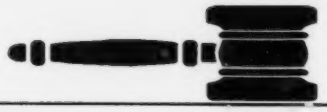
Matt, classmate

I was one of the ten students in the search. Mr. Tilman went through my locker and my backpack before he searched Alli's things. I was standing next to Alli. She seemed nervous when Mr. Tilman started the search. I saw Mr. Tilman pull the marijuana out of Alli's backpack. She said "Oh no!" and then said she didn't know anything about it.

I have been going to school with Alli since I moved to this city four years ago. As far as I know, Alli has never been in trouble. She has a few friends who get into trouble, but she's a good kid.

Sandy, science partner

I am Alli's science partner. We do all of our experiments together. Recently, Alli hasn't been completing her parts of the assignments. She blames it on all of the other school activities she is involved in. I think she has some other problems. She seems confused when she is in class. In fact, last week, she made some mistakes in a chemistry experiment which caused a small explosion. No one was hurt and there was no damage, but I was pretty scared. Alli and I have been friends for a long time.



Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses

Alli, defendant
Rob, Alli's cousin
Ms. Swanson, band director

Alli, defendant

I know nothing about the marijuana that was found in my backpack on April 22. I purchased the backpack at a garage sale on Saturday, April 19. The sale was at the house of a group of adults who have lived there since they graduated from college in 1976. I went to the sale with my cousin, Rob, who lives next door to the house. The backpack was in good shape, and very cheap, so I bought it. I never dreamed it would get me into this much trouble.

I am a good kid. I have never been in trouble before, except for being asked to leave class because I was talking too much. I am involved in lots of extra activities. I am on the dance line, play clarinet in the band, and am a member of the girls track team. I work part time at a neighborhood grocery store.

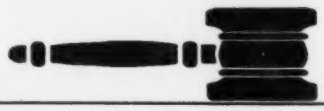
Rob, Alli's cousin

I was with Alli when she bought the backpack. We found it at a garage sale next door to my house. The house is owned by a bunch of adults who used to be "hippies." I remember when they had lots of very loud parties that would end when the police came to break them up. Once my mom helped one of the men fix the lawnmower and they offered her some marijuana as a thank you.

My cousin never gets into trouble. She doesn't use drugs.

Ms. Swanson, band director

I am the band director. I have had Alli in my music class and in the band for several years. She is very talented and hard working. She spends much of her free time practicing with a few of the other students. I have noticed recently that she seems a bit distracted, but that's normal in the spring. I don't think Alli uses drugs.



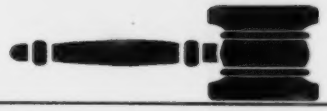
Student Handout: JURY INSTRUCTIONS

INSTRUCTIONS TO THE JURY

The prosecution must set out such a convincing case against the defendant that the jury believes *"beyond a reasonable doubt"* that the defendant is guilty.

THE LAW

It is a petty misdemeanor to possess or give away a small amount of marijuana. The law defines a small amount of marijuana as 42.5 grams or less. For the first offense, the court may fine the person up to $200 and require him or her to participate in a drug rehabilitation program.



Student Handout: *State v. Jesse Sunderson*

CRIMINAL MOCK TRIAL
DISTRICT COURT

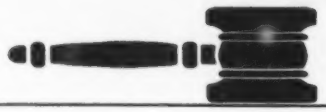
State,	)
Prosecutor	)
v.	)
Jesse Sunderson,	)
Defendant	)

FACTS

On January 7, at 1 p.m. many firecrackers exploded in an empty locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. Mr. Stuart, the assistant principal, searched the other lockers and found more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

ISSUES: Did the firecrackers belong to him and did he put them into the empty locker?

DEFENSE: Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.



Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses

Leslie Stuart, Asst. Principal
Mickey Price, coach

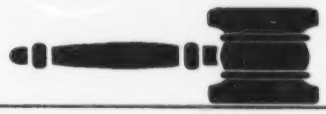
Leslie Stuart, Assistant principal

I have been the assistant principal at Jefferson School since 1979. Before that I was a social studies teacher at Olsen High school.

On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in the lockers so I used my master key to open the lockers. In locker 633 I found a large grocery bag full of unexploded firecrackers. I took the firecrackers to my office and looked up the student assigned to locker 633. The student was Jesse Sunderson. I then called the police.

Mickey Price, the coach

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. I had a meeting with Jesse's parents and Jesse a week ago. I explained that Jesse was being suspended form the team because of poor grades. The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse's average has slipped to C-. Jesse became very angry and complained that it wasn't fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended.



Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses

Jesse Sunderson, Defendant
Erin/Aaron Thompson, classmate

Jesse Sunderson, the defendant

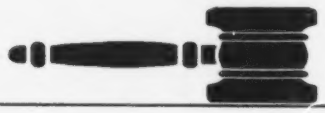
I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. I heard them tell some other kids that they would "get back at me!" I think they might have planted the firecrackers in my locker.

Erin Thompson, a classmate

I am a seventh grader at Jefferson. I am a member of the Marching Band. I like school a lot and spend most of my time working on my computer or talking with my best friend.

I have a locker next to one of the kids who was suspended from the soccer team. I heard the student blaming Jesse for all his problems. I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. I was on my way to the office to meet my older brother who was taking me to the orthodontist.



Student Handout: JURY INSTRUCTIONS

INSTRUCTIONS TO THE JURY

The prosecution must set out such a convincing case against the defendant that the jury believes *"beyond a reasonable doubt"* that the defendant is guilty.

THE LAW

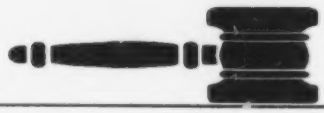
609.595 DAMAGE TO PROPERTY

Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks.



Student Handout: *State v. Brian Marshall*

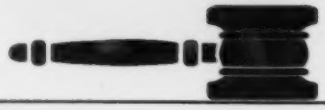
CRIMINAL MOCK TRIAL
DISTRICT COURT

State,	)
Prosecution	)
v.	)
Brian Marshall,	)
Defendant	)

FACTS

Several teenage boys were standing by their lockers between classes on Friday, October 9, at Lincoln High School. Although these students were not big trouble makers, they did tend to tease other students and perform practical jokes. When Stephanie, another student, went to her locker to get her books for her geometry class, she had to pass by the boys. She stopped at her locker, picked up her books, and began to pass by the boys again. As she passed Brian, he followed her for a few steps. Without any warning, he grabbed Stephanie's baggy pants at the waist and pulled them down to her knees. Brian then quickly ran down the stairs to his next class. Stephanie, a quiet girl, was very embarrassed. She left school for the day. After this event, Stephanie missed several days due to stress-related illness and suffered a decline in her academic performance. Stephanie does not want to continue attending Lincoln High School.

Brian has been charged with Fifth Degree Criminal Sexual Conduct.



Student Handout: PROSECUTION WITNESS STATEMENTS

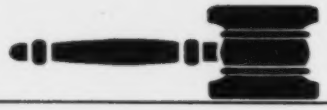
Prosecution Witnesses
Stephanie Pullman
Pat Johnson, teacher
Terry Smith, classmate

Stephanie Pullman

On Friday, October 9, I was going back to my locker between band and geometry to drop off some stuff and pick up my geometry book. I turned to go back down the hall and had to walk by these sophomore boys. After I walked a few feet beyond them, somone came up from behind me and pulled my pants down. I quickly looked behind me and saw that it was Brian. As he pulled my pants down, he scratched me. I had to stop, drop my books, and then pull my pants back up. Everyone was looking at me. I was trying not to cry. I probably smiled a bit, but it was only to cover up my total embarrassment. I didn't want to cry in front of everyone. They tease me enough as it is. I pulled my pants back up and walked out of the school. I got into my car and drove home. After telling my parents, they convinced me to tell the principal. I am too embarrassed to go back to classes. Every night I wake up with dreams about that day. I never want to see those kids again. I want to transfer to a different school.

Pat Johnson, teacher

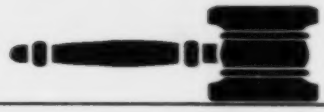
Stephanie is an excellent student. But she is very shy. She has many girlfriends with whom she appears to have close relationships, but I never see her with any of the boys. I think that they tend to make fun of her. I was standing in the hall outside of my classroom door on Friday, October 9 as I always do between classes. I heard a commotion down the hall and went to investigate. There, in the middle of the hall, with students all around her stood Stephanie with her pants hanging at her knees. She looked shocked and embarrassed. I felt so sorry for her. Although I did not see who did it, I assume it was one of the boys who hangs around that area causing trouble. Stephanie's grades have suffered because of this. She is missing too many days to keep up. This is really too bad because she had a chance at being awarded significant scholarship money. I think that it is terrible that the school allows this kind of thing to happen.



Student Handout: DEFENSE WITNESS STATEMENTS cont.

Terry Smith, a classmate

I was standing in the hall on Friday, October 9 and saw the whole thing. Brian and a bunch of his friends were teasing everyone who walked by. They were making fun of their clothes and the way they walked. I am so tired of their immature attitudes. When Stephanie walked by, Brian jumped in behind her and mimicked her walk. She didn't know what he was doing. It was too crowded for her to notice and too noisy for her to hear the laughs. All of a sudden, he ran up to her and forced her pants down around her knees. He was trying to pretend like he was falling. We were all shocked. He didn't stop a second, he simply ran down the stairs to his next class.



Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Brian Marshall, defendant
Lynn Hudson, teacher
Adam Chin, classmate

Brian Marshall, defendant

I was standing by my locker on Friday, October 9, with some of my friends waiting for our next class to start. We were telling some jokes and making fun of people, like we always do. Stephanie walked by on her way to her locker. When she returned, I decided it would be funny to follow her, pretending to walk like her. All of a sudden, someone tripped me. As I began to fall, I grabbed Stephanie. I accidentally grabbed her pants which were then pulled to her knees. I guess I scratched her with my watch as I was trying to keep from falling. By grabbing Stephanie, I was able to keep myself from falling. I didn't mean for this to happen. It all happened so fast.

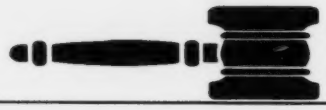
Lynn Hudson, teacher

I have been teaching at Lincoln High School for 18 years. These kinds of things happen. I don't think that Brian meant any harm. His antics may have been inappropriate, but I don't think that they were sexual in any way. I was down the hall a bit when the accident happened. I think most everyone, including Stephanie, felt that it was an embarrassing, slightly humerous, accident.

I also don't believe that the incident is the cause of Stephanie's academic problems. Before the accident, I found her reading science fiction in my biology class on several occassions. I let students do this if they have completed their work, but Stephanie had not. I also saw her at the mall on a day that she claimed that she was home sick. If you want my opinion, I think that she has other problems.

Adam Chin, a classmate

Stephanie is always the victim of jokes because she is such a good student. She always gets As. She's really shy; she doesn't say anything, even to stand up for herself. Everyone picks on her. I was standing in the hall near the incident on Friday, October 9. It seemed like an accident. Everyone thought that it was pretty funny. We didn't think that it was so bad. In fact, I think even Stephanie cracked a smile. I have been Brian's friend for a long time, and I don't think that he was trying to be mean.



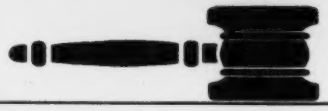
Student Handout: JURY INSTRUCTIONS

INSTRUCTIONS TO THE JURY

Defendant has been charged with criminal sexual conduct in the fifth degree. A person is guilty of criminal sexual conduct in the fifth degree if the person engages in nonconsensual sexual contact. Sexual contact includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, if the action is performed with sexual or aggressive intent.

Intent is determined from all of the objective facts and circumstances, including the defendant's conduct and/or statements at the time of the act.

Because the defendant is 15, he is under the jurisdiction of the juvenile court. This means that if found guilty of criminal sexual conduct in the fifth degree beyond a reasonable doubt, he will be found to be a juvenile delinquent.



Student Handout: *Jesse v. Ed Tower*

CIVIL MOCK TRIAL
DISTRICT COURT

***Jesse*,**	)
Plaintiff	)
v.	)
Ed Tower,	)
Defendant	)

FACTS

Jesse and Lurline had looked for an apartment for several weeks. After living with Lurline's family for over a year, they were very excited to find their own place. Although they are quite young, they can afford to spend quite a bit of money for their apartment because they both have good paying jobs. Jesse is a research specialist for a chemical company and Lurline is an accountant. They have only been working a few months but they have been able to pay off all of their other bills because they saved money living with Lurline's mother and sisters.

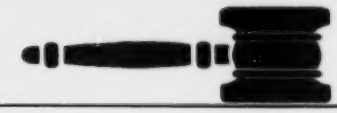
Jesse and Lurline want to live in the part of town where they work. There are several nice neighborhoods nearby. One neighborhood, Adams Park, has many nice apartment buildings along a river that runs through the middle of town. Most of these apartment buildings have vacancies because the tenants were forced to move when the town's largest company moved to a different state.

Jesse and Lurline found the perfect apartment, which was shown to them by the building manager. They put $50 down to hold the apartment and left a rental application with the manager. The manager said that he thought there would be no problem with the application and told them to plan to move in the next month.

Two days later, Jesse was called by the owner of the building, Ed Tower. Ed said that the credit check that had been done on Jesse showed that he had frequently been late in paying his bills. Ed then said that the rental application had been denied. He claimed the denial was based on Jesse's bad credit rating. However, Jesse and Lurline believe that their application was turned down because they are African American and that all of the current tenants in the building are Caucasion. They are suing Ed Tower for violating discrimination laws.

ISSUE: Did Ed Tower violate the housing discrimination laws?

DEFENSE: The credit check Mr. Tower ran indicated to him that Jesse might be a bad risk and that it would be difficult to collect the rent from him.



Student Handout: PLAINTIFF WITNESS STATEMENTS

Plaintiff Witnesses
Jesse, Plaintiff
Jody, tenant
Terry, credit manager
Bill, Jesse's boss

Jesse, Plaintiff

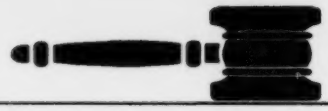
My name is Jesse. I am 26 years old. I am African American. I graduated with a science degree, and I work for a chemical company as a research specialist. I have only been working for a couple of months.

While I was a student, I did not have much money. Most of the money I made on part-time jobs was used to pay for my tuition and books, and a little was used to pay rent. I lived with three other men in a small apartment near campus. The last month we lived together, one of my roommates who was responsible for paying the rent collected our portions of the rent but failed to pay the landlord. Instead he took off with our money. I have been trying to find him since.

Because I did not have much money, I was very happy when I received credit card applications in the mail. I thought that these credit cards would let me live the lifestyle that I wanted without worrying about paying the bills. I was wrong. After several months of spending, I found myself in deep debt. I have been paying off the bills since. Last month, I finally paid off the last bill.

Jody, a tenant in the apartment building

I have lived in Ed's apartment building for about a year. During that time I have seen several persons of color look at the apartments, but have never known any to move in. One time, I even heard the building manager make some racist comments after showing the apartment to a Native American women. He said something like "I sure won't rent to her, she will bring nothing but trouble." After Jesse and Lurline looked at the apartment, I ran into the manager in the hall. I asked about Jesse and Lurline and he said that doubted that they would be accepted. I asked him why and he said, "Well, you know."



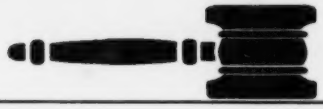
Student Handout: Plaintiff Witness Statements cont.

Terry, a credit manager

I work for a credit report company. I have done this kind of work for over 20 years. In my time, I have seen many different kinds of credit histories, including many like Jesse's. Often times, kids who are in school or are recent graduates are pretty bad at handling money and they soon find themselves in credit trouble. But these kids usually straighten their problems out and are good credit risks after that. Jesse's spending patterns in the past few months show that he has changed his ways and will be much more responsible in the future.

Bill, Jesse's boss

Jesse has been working for me for the past few months. He has really impressed me and his co-workers with his hard work and enthusiasm. In fact, I seriously believe that he will soon be promoted into a supervisory position which will include a significant pay raise. It is hard for me to believe that he let his spending get out of control in the past. He seems so careful with his money now.



Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Ed Tower, defendant
Carter, building mgr.
Delena , credit manager
Shelly, former landlord

Ed Tower, defendant

My name is Ed Tower. I am part American Indian. I own the apartment building in question. I own many other buildings in the neighborhood. I take a lot of pride in my buildings. Most of my tenants are professional people who stay for several years. I never have any trouble and they almost always pay their rent on time.

I decided to turn down the application for Jesse and Lurline because Jesse had a bad credit history. I don't want to spend my time trying to collect rent from a "deadbeat."

Carter, building manager

I am the building manager. I have been manager for six years. In that time, I have shown apartments to many people. Because the building is a very nice building, lots of people complete rental applications. But, my boss is quite fussy about who rents in the building. He does not want trouble and doesn't like folks who don't pay the rent on time.

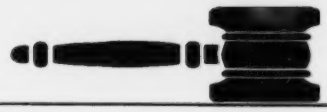
I used to be the manager in a building that had lots of tenants of color. Most of them were single moms who received some kind of welfare assistance. They frequently did not pay their rent on time. I'd like to see some folks of color who have good jobs move into my new building, it's so nice.

Delena, credit manager

I am credit manager at the local credit reporting company. Ed is an old friend of mine who brings all of his credit check business to me. I did the credit check on Jesse. I told Ed about his failure to pay bills when due and said that I felt that he would be a bad risk because of his history. I value Ed's business and try to make sure that he rents to people who are not going to be a problem.

Shelly, former landlord

I rented an apartment to Jesse when he was a student at the University. He lived with three other men. One of the other men was the person who gave me their monthly rental payments. The last month, he failed to pay the rent, and I was forced to evict him and his friends. They were quite angry when they moved out and they left the apartment a mess.



Student Handout: JURY INSTRUCTIONS

INSTRUCTIONS TO THE JURY

The plaintiff must set forth a case that proves by a *"preponderance of the evidence* " that the defendant is guilty of the charge.

THE LAW

363.03, subd. 2:

It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property , or any agent of any of these:
(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status.

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